

AN EMERGENCY ORDINANCE ESTABLISHING AN HISTORIC PRESERVATION BOARD FOR THE PURPOSE OF PROTECTING AND PERPETUATING PROPERTIES WORTHY OF HISTORIC PRESERVATION; PROVIDING FOR DESIGNATION OF PROPERTIES AS INDIVIDUAL SITES, DISTRICTS OR ARCHAEOLOGICAL ZONES AND FOR REGULATION OF SAME THROUGH ISSUANCE OF CERTIFICATES OF APPROPRIATENESS AND CERTIFICATES TO DIG; PROVIDING FOR ELIGIBILITY FOR FINANCIAL ASSISTANCE; PROVIDING FOR PENALTIES AND APPEALS; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, Hialeah has a rich history embodied in its buildings, structures and archaeological sites; and

WHEREAS, buildings and structures constructed before the incorporation of the City of Hialeah still exist; and

WHEREAS, many significant and varied aspects of the history of Hialeah are concentrated in the first thirty years of the twentieth century; and

WHEREAS, this variety has been manifested in a unique architectural response to the area's climate, history of tourism, rapid growth, and national stylistic trends; and

WHEREAS, some archaeological sites remain that have yielded and are likely to yield a great amount of information on the history and prehistory of this region; and

WHEREAS, the preservation of these buildings, structures and archaeological sites are in the best interest and public welfare of Hialeah and its citizens; and

WHEREAS, the preservation of these resources will expand the educational and cultural opportunities of Hialeah and its citizens; and

WHEREAS, Metropolitan Dade County has mandated by Ordinance that municipalities adopt an ordinance addressing Historic Preservation by July 1, 1982 or relinquish such jurisdiction to the County;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA:

Section I. Short Title.

This Chapter shall be known and may be cited as the "City of Hialeah Historic Preservation Ordinance."

Section II. Declaration of Legislative Intent.

It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of properties of historical, cultural, archaeological, aesthetic and architectural merit is in the interest of the health, prosperity and welfare of the people of Hialeah. Therefore, this ordinance is intended to:

(A) Effect and accomplish the protection, enhancement and perpetuation of buildings, structures, improvements, landscape features and archeological resources of sites and districts which represent distinctive elements of the City's cultural, social, economic, political, scientific, religious, prehistoric and architectural history;

(B) Safeguard the City's historical, cultural, archaeological and architectural heritage, as embodied and reflected in such individual sites, districts and archeological zones;

(C) Foster civic pride in the accomplishments of the past;

(D) Protect and enhance the City's attraction to visitors and the support and stimulus to the economy thereby provided; and

(E) Promote the use of individual sites and districts for the education, pleasure and welfare of the people of Hialeah.

Section III. Scope of Regulations.

This Chapter is intended to and shall govern and be applicable to all property located in the City of Hialeah, Florida. Nothing contained herein shall be deemed to supercede or conflict with applicable building and zoning codes. Provisions contained herein shall be cumulative and read in conjunction with other provisions of the City of Hialeah Code and the South Florida Building Code.

Section IV. Definitions.

- (A) Archeological Zone - An area designated by this ordinance which is likely to yield information on the history and prehistory of Hialeah based on prehistoric settlement patterns in Hialeah determined by the results of the Dade County Historic Survey and the City of Hialeah's Fisher and Shepard Report. These zones will tend to conform to natural physiographic features which were the focal points for prehistoric and historic activities.

- (B) Certificates of Appropriateness - A certificate issued by the Board permitting certain alterations or improvements to a designated property or demolition of same.
- (C) Certificate to Dig - A certificate that gives permission for certain digging projects that may involve the discovery of as yet unknown or known archaeological sites in an archaeological zone.
- (D) Certificate of Recognition - A certificate issued by the Board recognizing properties designated pursuant to this ordinance.
- (E) Demolition - The complete removal of a structure on any site.
- (F) Districts - A collection of archaeological sites, buildings, structures, landscape features or other improvements that are concentrated in the same area and have been designated as a district pursuant to this ordinance.
- (G) Exterior - All outside surfaces of a building or structure.

- (H) Guidelines for Preservation - Criteria established by the Preservation Board to be used in determining whether a Regular Certificate of Appropriateness and/or a Certificate to Dig are to be issued and establishing a set of guidelines for the preservation of structures and/or sites in Hialeah.
- (I) Historic Preservation Board - A board of citizens created by this ordinance as described in Sections V through IX.
- (J) Historic Survey(s) - Comprehensive surveys compiled by the Historic Preservation Division of the Dade County Office of Community and Economic Development and by Fisher and Shephard, Inc., involving the identification, research and documentation of buildings, sites and structures of any historical, cultural, archaeological or architectural, importance in Hialeah, Florida.
- (K) Individual Site - An archaeological site, building, structure, place or other improvement that has been designated as an individual site pursuant to this ordinance, including the interior spaces of any designated building or structure if specifically so designated.
- (L) National Register of Historic Places - A U.S. Department of the Interior listing of buildings, sites, structures and districts that have attained a quality of significance as determined by the Historic Preservation Act of 1966, as amended.

- (M) Ordinary Repairs or Maintenance - Work done to prevent deterioration of a building or structure or decay of or damage to a building or structure or any part thereof by restoring the building or structure as nearly as practicable to its condition prior to such deterioration, decay or damage.
- (N) Owner of a Designated Property - The current title holder as reflected on the current Metropolitan Dade County tax rolls unless otherwise indicated by competent title information.
- (O) Undue Economic Hardship - Any action taken or desired under this ordinance which would place an onerous and excessive financial burden upon an owner that would amount to the taking of the owner's property without just compensation.
- (P) Landscape Feature - Any improvement or vegetation including, but not limited to outbuildings, walls, courtyards, fences, shrubbery, trees, sidewalks, planters, plantings, gates, street furniture and exterior lighting.

Section V. Historic Preservation Board: Created and
Established.

There is hereby created an Historic Preservation Board, ("the Board"), as a governmental agency of the City government of and Hialeah, Florida. The Board is hereby vested with the power, authority and jurisdiction to designate, regulate and administer historical, cultural, archaeological and architectural resources in Hialeah, Florida, as prescribed by this Chapter under the direct jurisdiction and legislative control of the City Council.

Section VI. Members.

The Board shall consist of five (5) members nominated by the Mayor and confirmed by the City Council. Each member of the board shall be, and shall hold office only so long as he or she is a resident and registered voter of Hialeah, Florida. Appointments shall be made on the basis of civic pride, integrity, experience and interest in the field of historic preservation. The Mayor should attempt to nominate architects, realtors, archaeologists, historians, art historians, lawyers or other individuals from the business, financial and

other segments of the community who, by virtue of their profession, business, or civic involvement, have demonstrated concern for historic preservation. The term of office of initial membership shall be one (1) year for two (2) members, two (2) years for two (2) members, three (3) years for one (1) member, with appointments thereafter to be for a term of three (3) years for each member. Any vacancy occurring on the board shall be filled by the same procedure as a regular appointment for the remainder of the unexpired term, at the earliest possible date. Members shall be eligible for reappointment, and shall hold office until their successors have been duly appointed and qualified. Members of the board shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their official duties, to the extent determined and approved by the City Council. A member of the Board may be removed from office only by a five-sevenths (5/7) vote of the entire membership of the City Council; however, whenever a member of the Board shall fail to attend three (3) consecutive meetings, the chairman shall certify the same to the City Council. Upon such certification the member shall be deemed to have been removed and the Mayor and City Council shall fill the vacancy for the remainder of the unexpired term.

Section VII. Organization.

The members of the Board shall select a chairman who shall serve at the pleasure of the Board and such other officers as may be deemed necessary or desirable. The Mayor shall assign adequate personnel to the Board from the various appropriate City Departments and Offices, which personnel shall be deemed the staff of the board. Minutes of each board meeting shall be kept and prepared under the supervision and direction of the Board, and copies of such minutes shall be filed with the City Clerk.

Section VIII. Rules and Regulations.

The Board shall make and prescribe such rules and regulations reasonably necessary and appropriate for the proper administra-

tion and enforcement of the provisions of this section. Such rules and regulations shall conform to the provisions of this section and shall govern and control procedures, hearings and actions of the board. No such rules and regulations shall become effective until a public hearing has been held upon the proposed rules and regulations by the Board, and the same have been approved by the City Council and filed with the City Clerk. Amendments shall be adopted in a like manner. Upon approval by the Council, such rules and regulations shall have the full force and effect of law within Hialeah, Florida. The Board shall prescribe forms for use by applicants in compliance with the provisions of this Chapter. The Board may authorize any one of its members to administer oaths and certify to official acts of the Board.

Section IX. Powers and Duties

A) The Historical Preservation Board shall have the following enumerated powers and duties:

- 1) Adopt or amend rules of procedure.
- 2) Designate individual sites, districts and archaeological zones.
- 3) Issue or deny Certificates of Appropriateness and Certificates to Dig.
- 4) Approve historical markers and issue certificates of recognition for individual sites and designated properties in a district.
- 5) Recommend zoning and building code amendments to the proper authorities.
- 6) Establish guidelines for preservation and criteria for issuance of certificates of appropriateness.
- 7) Promote the awareness of historic preservation and its community benefits.
- 8) Review and update the Historic Surveys for their quality and professional merit, and validate the findings of the survey as bonafide and sincere.
- 9) Implement the authority of this section and fulfill the tasks set forth for this Board by the City Council in this and other ordinances.

- 10) Record and maintain records of the Board's actions and decisions.
- 11) Follow and abide by the laws of the United States of America, the State of Florida, Dade County, and the City of Hialeah.
- 12) Provide an annual report to the City Council.

B) No actions of this Board shall supersede or be construed to supersede the authority of the City Council.

Section X. Designation Process And Procedure.

A. The Board shall have the authority to designate areas, places, buildings, structures, landscape features, archaeological sites and other improvements or physical features, as individual sites, districts, or archaeological zones that are significant in Hialeah's history, architecture, archaeology, or culture and possesses an integrity of location, design, setting, materials, workmanship or association, or:

- (1) Are associated with distinctive elements of the cultural, social, political, economic, scientific, religious, prehistoric and architectural history that have contributed to the pattern of history in the community, Hialeah, Dade County, South Florida, the state or the nation; or
- (2) Are associated with the lives of persons significant in our past; or
- (3) Embody the distinctive characteristics of a type, period, style or method of construction or work of a master; or that possess high artistic value, or that represent a distinguishable entity whose components may lack individual distinction; or
- (4) Have yielded, or are likely to yield information in history or prehistory; or
- (5) Are listed in the National Register of Historic places.

B. Certain properties which include cemeteries, birth-places, properties owned by religious institutions, or used for religious purposes, structures that have been moved from their original locations, properties commemorative in nature and properties that have

achieved significance within the last fifty years, will not normally be considered for designation. However, such properties may qualify if they are integral parts of districts that do meet the criteria, or if they fall within the following categories:

- (1) A religious property deriving primary significance from architectural or artistic distinction of historical importance.
- (2) A building or structure removed from its location but which is primarily significant for architectural value, or is the surviving structure most importantly associated with an historic event or person.
- (3) A birthplace or grave of an historical figure of outstanding importance if there is no other appropriate site or building directly associated with his/her productive life.
- (4) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, distinctive design features, or from association with historic events.
- (5) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance.
- (6) A property or district achieving significance within the past fifty years if it is of exceptional importance.
- (7) A property listed in the National Register of Historic Places.

C. Prior to the designation of an individual site, a district, or an archaeological zone, an investigation and designation report must be filed with the Board. The format of these reports may vary according to the type of designation, however all reports must address the following: The historical, cultural, architectural, and archaeological significance of the property or properties being recommended for designation; a recommendation of boundaries for districts and archaeological zones and identification of boundaries of individual sites being designated; a recommendation of standards to be adopted by the Board in carrying out its regulatory function under this ordinance with respect to Certificates of Appropriateness and

Certificates to Dig. Where a report is filed recommending designation of a district, the report must identify those properties, if any, within the district which are not historically or architecturally compatible with structures in the district. The standards for regulating such non-conforming properties shall provide that a Certificate of Appropriateness may be required only for new construction on such properties. All reports shall take into consideration projected, proposed or existing public improvements and developmental or renewal plans.

D. Procedure.

- (1) Petition of the Owner - The owner(s) of any property in the City of Hialeah may petition this Board for designation of their property as an individual site, district or archaeological zone provided that they appear before the Board with sufficient information to warrant the investigation of the property for future designation and the Board finds that the property may be worthy of designation. The Board shall, based on its findings, either direct staff to begin the designation process or deny the petition. Nothing in this paragraph shall be deemed to restrict the power of the Board to initiate the designation process.
- (2) Directive of the Board - The Board shall, upon recommendations from staff and/or the acceptance of petitions pursuant to Paragraph D(1) of this Section, or upon its own initiative, direct staff to begin the designation process by preparing a designation report, pursuant to Part 3 of this section and any other standards the Board may deem necessary, and submitting this report according to the procedures described herein.
- (3) Notification of Owner - For each proposed designation of an individual site, district, or archaeological zone the Board shall attempt to obtain the consent to designation of the property owner(s) involved and shall mail a copy of the designation report to each owner at least 15 days prior to filing of a designation report with the Board as notification of the intent of the Board to consider designation of the property.
- (4) Notification of Government Agencies - Upon filing of a designation re-

port, the Secretary of the Board shall immediately notify the Building and Zoning Divisions, and any other agency or department, including agencies or departments with demolition powers, that may be affected by said filing.

- (5) Notification of a Public Hearing - For each individual site, district or archaeological zone proposed for designation, a public hearing must be held no sooner than 15 days and within 60 days from the date a designation report has been filed with the Board. Owners of record or other parties having an interest in the proposed designated properties, if known, shall be notified of the public hearing by certified mail to the last known address of the party being served; however, failure to receive such notice shall not invalidate the same as such notice shall also be perfected by publishing a copy thereof in a newspaper of general circulation at least ten (10) days prior to the hearing. Owners shall be given an opportunity at the public hearing to object to the proposed designation.

- (6) Requirement of Prompt Decision and Notification - Within 7 days of a public hearing on a proposed individual site, district, or archaeological zone the Board shall reduce to writing its decision to approve, deny, or amend the proposed designation and direct the Secretary of the Board to notify the following of its actions with a copy of the official minutes of the meeting and a summary statement of the effects of this action:
- a) The Building Division,
 - b) The City Clerk,
 - c) Owner(s) of the affected property and other parties having an interest in the property, if known,
 - d) The Planning and Zoning Division,
 - e) The Public Works Department,
 - f) Any other City Agency, including agencies with demolition powers, that may be affected by this action.
- (7) The Board may amend or rescind any designation provided it complies with the procedures used in the original designation.

- (8) Moratorium - Upon the filing of a designation report by the staff, the owner(s) of the real property which is the subject matter of the designation report shall not:
- a) Erect any structure on the subject property.
 - b) Alter, restore, renovate, move or demolish any structure on the subject property, until such time as final administrative action, as provided by this chapter, is completed.

A. No building, structure, improvement, landscape feature or archaeological site within Hialeah which is designated pursuant to Section 10 of this Chapter shall be erected, altered, restored, renovated, excavated, moved or demolished until an application for a Certificate of Appropriateness regarding any architectural features, landscape features or site improvements has been submitted to and approved pursuant to the procedures in this section. Architectural features shall include, but not be limited to, the architectural style, scale, massing, siting, general design and general arrangement of the exterior of the building or structure, including the type, style and color of roofs, windows, doors and appurtenances. Architectural features shall include, when applicable, interior spaces where interior designation has been given pursuant to Section X of this Chapter. Landscape features and site improvements shall include, but are not limited to, site regrading, subsurface alterations, fill deposition, paving, landscaping, walls, fences, courtyards, signs and exterior lighting. No Certificate of Appropriateness shall be approved unless the architectural plans for said construction, alteration, excavation, restoration, renovation, relocation or demolition is approved by the Board.

B. The Board shall develop procedures for making application for a Certificate of Appropriateness.

C. The Board shall adopt and may from time to time amend the standards by which applications for any Certificate of Appropri-

ateness are to be measured and evaluated. In adopting these guidelines, it is the intent of the Board to promote maintenance, restoration, adaptive reuses appropriate to the property, and compatible contemporary designs which are harmonious with the exterior architectural and landscape features of neighboring buildings, sites and streetscapes.

D. Certificates of Appropriateness

1. An applicant for a Certificate of Appropriateness shall submit his application to the Board pursuant to Section 10 of this Chapter and accompany such application to the Board with full plans and specifications, site plan, and samples of materials as deemed appropriate by the Board to fully describe the proposed appearance, color, texture or materials, and architectural design of the building and any outbuilding, wall, courtyard, fence, landscape feature, paving, signage and exterior lighting. The applicant shall provide adequate information to enable the Board to visualize the effect of the proposed action on the applicant's building and its adjacent buildings and streetscapes. If such application involves a designated archaeological site the applicant shall provide full plans and specifications of work that may affect the surface and subsurface of the archaeological site.

2. The Board may hold a public hearing upon an application for a Certificate of Appropriateness affecting property under its control. In such instances, notice and procedure of the public hearing shall be given to the property owner(s) by certified mail and to other interested parties by an advertisement in a newspaper of general circulation at least ten (10) days prior to the hearing.

3. The Board shall act upon an application within sixty (60) days of receipt of application materials adequately describing the proposed action. The Board shall approve, deny, approve in modified form (subject to the acceptance of the modification by the applicant), or suspend action on the application for a period not to exceed thirty (30) days in order to seek technical advice from outside

its members or to meet further with the applicant to revise or modify the application.

4. The decision of the Board shall be issued in writing. Evidence of approval of the application shall be by Certificate of Appropriateness issued by the Board and whatever its decision, notice in writing shall be given to the applicant and the director of both the Building and Zoning Divisions. When an application is denied, the Board's notice shall provide an adequate written explanation of its decision to disapprove the application. The Board shall keep a record of its actions under this ordinance.

E. Demolition.

1. Demolition of a designated building, structure, improvement or site may occur pursuant to an order of a government agency or a court of competent jurisdiction or pursuant to an application by the owner for a Certificate of Appropriateness.

2. Government agencies having the authority to demolish unsafe structures shall receive notice of designation of individual sites, districts or archaeological zones pursuant to Section X of this Chapter. The Board shall be deemed an interested party and shall be entitled to receive notice of any public hearings conducted by said government agency regarding demolition of any designated property. The Board may make recommendations and suggestions to the government agency and the owner(s) relative to the feasibility of and the public interest in preserving the designated property.

3. No permit for voluntary demolition of a designated building, structure, improvement or site shall be issued to the owner(s) thereof until an application for a Certificate of Appropriateness has been submitted and approved pursuant to the procedures in this Section. Refusal by the Board to grant a Certificate of Appropriateness shall be evidenced by written order detailing the public interest which is sought to be preserved. The Board shall be guided

by the criteria contained in Paragraph E(4) herein. The Board may grant a Certificate of Appropriateness which may provide for a delayed effective date of up to six (6) months. The effective date shall be determined by the Board based upon the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. During the demolition delay period, the Board may take such steps as it deems necessary to preserve the structure concerned, in accordance with the purposes of this ordinance. Such steps may include, but shall not be limited to, consultation with civic groups, public agencies and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one or more structures or other features.

4. In addition to all other provisions of this ordinance, the Board shall consider the following criteria in evaluating applications for a Certificate of Appropriateness for demolition of designated properties:

- (a) Is the structure of such interest or quality that it would reasonably meet national, state, or local criteria for designation as an historic or architectural landmark?
- (b) Is the structure of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense?
- (c) Is the structure one of the last remaining examples of its kind in the neighborhood, the City, or the region?
- (d) Does the structure contribute significantly to the historic character of a designated district?
- (e) Would retention of the structure promote the general welfare of the City by providing an opportunity for study of local history, architecture, and design or by developing an understanding of the importance and value of a particular culture and heritage?
- (f) Are there definite plans for reuse of the property if the proposed demolition is carried out, and what will be the effect of those plans on the character of the surrounding area?

F. Where, by reason of particular site conditions and restraints, or because of unusual circumstances applicable solely to the particular applicant, strict enforcement of the provisions of this ordinance would result in serious undue economic hardship to the applicant, the Board shall have the power to vary or modify adherence to this ordinance; provided always that the Board's decisions ensure harmony with the general purposes hereof and will not adversely affect Hialeah. Guidelines for the application of this section may be developed by the Board.

G. No Building Permit shall be issued by the Building Official which affects any designated property in Hialeah without a Certificate of Appropriateness.

H. All work performed pursuant to the issuance of any Certificate of Appropriateness shall conform to the requirements of the Certificate. The Mayor shall designate an appropriate official(s) to assist the Board by making necessary inspections in connection with enforcement of this ordinance. Such official(s) shall be empowered to issue a stop work order if performance is not in accordance with the issued certificate. No work shall proceed as long as a stop work order continues in effect. Copies of inspection reports shall be furnished to the Board and copies of any stop work orders both to the Board and the applicant. The Building Official or other appropriate official and staff to the Board shall be responsible for ensuring that any work not in accordance with an issued Certificate of Appropriateness shall be corrected to comply with the Certificate of Appropriateness prior to withdrawing the stop work order.

I. For the purpose of remedying emergency conditions determined to be dangerous to life, health or property, nothing contained herein shall prevent the making of any temporary construction, reconstruction or other repairs to a building or site in Hialeah, pursuant to an order of a government agency or a court of competent jurisdiction. The owner of a building damaged by fire or natural calamity shall be permitted to stabilize the building immediately without Board

approval, and to rehabilitate it later under the normal review procedures of this ordinance.

J. If no action upon an application is taken within sixty (60) days from the date of application, such application shall be deemed to have been approved and no other evidence of approval shall be needed. This time limit may be waived by mutual written consent of the applicant and the Board.

K. The Board shall have the authority to review applications for Certificates of Appropriateness for all property in Hialeah, however title is held, by either private or public parties. The purposes of this ordinance shall apply equally to plans, projects or work executed or assisted by any private party, governmental body or agency, department, authority or board of the city, county or state.

Section XII. Maintenance of Designated Properties

Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure which does not involve a change of design, appearance or material, and which does not require a building permit.

Section XIII. Certificates to Dig

A. Within an archaeological zone, new construction, filling, digging, the removal of trees, or any other activity that may alter or reveal an interred archaeological site shall be prohibited without a Certificate to Dig. All applications for permits involving new construction, large scale digging, the removal of trees or any other activity that may reveal or disturb an interred archaeological site, in an archaeological zone shall require a Certificate to Dig before approval. Based on the designation report for the archaeological zone, a complete application for a Certificate to Dig and any additional guidelines the Board may deem necessary, the Board shall, within thirty (30) days from the date the completed application has been

filed, approve the application for a Certificate to Dig by the owners of a property in a designated archaeological zone. The Certificate to Dig may be made subject to specified conditions, including but not limited to, conditions regarding site excavation. In order to comply with the site excavation requirements of the Certificate to Dig, the applicant may be required to permit the County Archaeologist or other Archaeologist assigned by the Board to conduct an excavation from the time of the approval of the Certificate to Dig until the effective date thereof.

B. Approved Certificates to Dig - Approved Certificates to Dig shall contain an effective date no later than sixty (60) days after approval, at which time the proposed activity may begin, unless prior to or during that period the Board decides to designate the site in question as an individual site or district pursuant to Section X of this ordinance in which event all the rules and regulations pertaining to the designation process shall apply from the date the designation report has been filed.

C. All work performed pursuant to the issuance of a Certificate to Dig shall conform to the requirements of such certificate. It shall be the duty of the appropriate government agencies and the staff to the Board to inspect from time to time any work pursuant to such certificate to assure compliance. In the event work is performed not in accordance with such certificate, the official(s) designated by the Mayor pursuant to Section XI, Paragraph H shall be empowered to issue a stop work order and all work shall cease. No person, firm or corporation shall undertake any work on such projects as long as such stop work order shall continue in effect.

Section XIV. Appeals

Within twenty (20) days of any decision of the Board, an aggrieved party may appeal the decision by filing a written notice of appeal with the City Clerk. The notice of appeal shall state the decision which is being appealed, the grounds for the appeal, and a

brief summary of the relief which is sought. Within sixty (60) days of the filing of the appeal the City Council shall convene a public hearing at which time they may affirm, modify or reverse the decision of the Board. Nothing contained herein shall preclude the City Council from seeking additional information prior to rendering a final decision. The decision of the City Council shall be in writing and a copy of the decision shall be forwarded to the Board and the appealing party.

Section XV. Penalties

Failure by an owner of record to comply with any provision of this ordinance shall constitute a violation hereof and shall be punishable by civil or criminal penalties, including a fine, to be levied by the Board, of not more than \$500.00 per day for each day the violation continues. In addition, the Board may require that any work performed contrary to this ordinance must be removed and the property returned to its condition prior to commencement of said action.

Section XVI. Incentives

All properties designated as individual sites or as designated properties within a district shall be eligible, upon application by the owner(s), for any available financial assistance set aside for historic preservation by the City of Hialeah, contingent on the availability of funds and the scope of the project as described in the application.

Section XVII. Severability

If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section XVIII. Inclusion in Code

It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Hialeah, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section XIX. Waiver of Publication

Having found that the immediate adoption of this ordinance is necessary to preserve the public health, welfare, or safety, of the citizens of the City of Hialeah, Florida, the City Council hereby specifically waives publication of this ordinance.

This ordinance shall become effective immediately upon its adoption.

PASSED and ADOPTED this 22nd day of June, 1982.

/s/ Ray Robinson
President of Council

ATTEST:

/s/ Daniel F. DeLoach
City Clerk Pro Tem

/s/ Raul L. Martinez
Mayor

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

Richard W. Gross
Richard W. Gross,
Assistant City Attorney

ORDINANCE adopted by a unanimous vote with Councilmen Cardoso, Coleman, Gunn, Nunez, Robinson, Swezy and Wilde voting "Yes."